

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Antonio M. G. L. Cruz, } Confirmation No.: 8808
Serial No.: 10/557,523 } Group Art Unit: 3672
Filed: November 18, 2005 } Examiner: T. Bomar/J. Gay
PERCUSSIVE DRILL BIT, DRILLING SYSTEM)
COMPRISING SUCH A DRILL BIT...) September 8, 2008

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RESPONSE TO FINAL OFFICE ACTION MAILED 18 JULY 2008

Dear Sir:

Attorney for Applicant in the above-captioned case hereby files a full response to the Final Office Action mailed on 18 July 2008. At the time the Office Action issued, claims 1-20 were pending.

The sole issue outstanding in the Final Office Action is an obviousness-type double patenting rejection over commonly owned application Serial No. 10/559,909. Applicant respectfully submits that, because the present application was filed before the cited application, which is still pending, and because the double patenting rejection is the sole obstacle to allowance of this case, no Terminal Disclaimer is required under the provisions of MPEP § 1490(V)(D).

Applicant therefore requests allowance of the case. The Examiner is encouraged to telephone the undersigned if there are any outstanding issues preventing allowance of the present case.

Respectfully submitted,
Antonio M. G. L. Cruz

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